



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*610 Federal Plaza
Central Islip, New York 11722*

August 12, 2021

By ECF

The Honorable Joan M. Azrack
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Jonathan Berretta, et al.
(S1) 20 Cr. 029 (JMA)

Dear Judge Azrack:

I write on behalf of the government in the above captioned matter, and with the consent of all defense counsel and their clients, to respectfully request that the Court set the next status conference in this matter for September 10, 2021, at 12:00 noon.

At that conference, the parties expect to apprise the Court of the current status of the matter with respect to each of the four defendants. As the Court is aware, a motions schedule was previously set, and defendant Downs's motion to suppress and for severance remains pending. Additionally, the undersigned government attorney has been actively engaged in plea negotiations with certain defense counsel, and expects to continue, and conclude, these discussions prior to the next conference date, in an effort to resolve this matter short of trial. Finally, certain defendants have retained mitigation experts, and the government has been facilitating their in-person review of the sensitive discovery.

For the foregoing reasons, and in consultation with all counsel and with Your Honor's Chambers, it is respectfully proposed that the next status conference in this matter be held on September 10, 2021, at 12:00 noon, via teleconference, pursuant to the CARES Act, in light of the ongoing health and safety concerns surrounding the COVID-19 pandemic and the recent spread of the highly contagious now-predominant strain of the virus, the Delta variant.

Additionally, in light of the foregoing, the government respectfully requests the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), in the interests of justice, until September 10, 2021. I have conferred with counsel for each of the four defendants, who have indicated that they, and their respective clients, have no objection to this request.

Respectfully submitted,

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